

012304

15750 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No.	98-39 C2	Total Pages	116
First Named Inventor or Application Identifier			
STARR et al.			
Title	Method and Apparatus for Dtermining Cardiac Output		
Express Mail Label No.	EL 997388395 US		

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 37]
(preferred arrangement set forth below)
-Descriptive Title of the Invention
-Cross References to Related Applications
-Statement Regarding Fed sponsored R & D
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claim(s)
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 8]
4. ☒ Oath or Declaration [Total Pages 10]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Boxes 19 and 20 completed)
[Note Box 5 below]
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
 - c. ☐ Unsigned
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☒ Application Data Sheet per 37 C.F.R. § 1.76
[Total Pages 2]

7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c) based on the following provisional, nonprovisional, and/or PCT internation applications.

	Application No.	Filing Date
(1)	10/172,271	June 14, 2002
(2)	09/161,595	October 18, 2000
(3)	60/161,120	October 22, 1999
(4)		

8. ☒ Prior application is assigned to Respironics, Inc. by Assignment recorded May 14, 2001 Reel 011804 Frame(s) 0994.

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☐ Non-publication Request and Cert. under 35 U.S.C. § 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).
18. ☒ Other: Filing of Formal Drawings

19. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 10/172,271
 Prior application Information: Examiner: Natnithithadha, N. Group/ArtUnit: 3736

21. CORRESPONDENCE ADDRESS

Customer No.

30031

Name	Michael W. Haas	Reg. No.	35,174
Signature	<i>Michael W. Haas</i>	Date	January 23, 2004

FEE TRANSMITTAL

(Effective 10/01/2003)

"Express Mail" Label No. EL 997388395 US

TOTAL AMOUNT OF PAYMENT \$ 860.00

Application Number

NOT Yet Assigned

Filing Date

January 23, 2004

First Named Inventor

STARR et al.

Confirmation Number

Unknown

Group Art Unit

Unknown

Examiner's Name

Unknown

Attorney Docket No.

98-39 C2

METHOD OF PAYMENT1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

50-0558

Deposit Account Name

Respironics, Inc.

☒

Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20

☐

Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☒ Payment Enclosed:

Check (Check No. 291617)

FEE CALCULATION (fees effective 10/01/00)**1. FILING FEE**

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description	Fee Paid
1001 770	2001 385		Utility filing fee	770.00
1002 340	2002 170		Design filing fee	
1003 530	2003 265		Plant filing fee	
1004 770	2004 385		Reissue filing fee	
1005 160	2005 80		Provisional filing fee	

SUBTOTAL (1) \$ 770.00**2. CLAIMS**

Total Claims	Extra Claims	Fee from Below	Fee Paid
25	- 20 *	5 x 18 =	90.00
Ind. Claims	2	- 3 *	0 x 86 =
			0.00
Multiple Dependent Claims add		290 =	0.00

* Enter Highest Number Previously Paid For

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description
1202 18	2202 9		Claims in excess of 20
1201 86	2201 43		Independent claims in excess of 3
1203 290	2203 145		Multiple dependent claim
1204 86	2204 43		Reissue independent claims over original patent
1205 18	2205 9		Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 90.00**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	
1052	50	2052	25	Surcharge - late provisional filing fee or or cover sheet	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	420	2252	210	Extension for response within second month	
1253	950	2253	475	Extension for response within third month	
1254	1,480	2254	740	Extension for response within fourth month	
1255	2,010	2255	1,005	Extension for response within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,330	2453	665	Petition to revive unintentionally abandoned application	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1814	110	2814	55	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1801	770	2801	385	Request for Continued Examination	

Other Fee (specify) _____

SUBTOTAL (3) \$ 0.00**SUBMITTED BY**

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	January 23, 2004
		Deposit Account Number	50-0558

Certificate of Mailing by "Express Mail"

EL 997388395 US

"Express Mail" label number

January 23, 2004

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

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Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : STARR et al.
Appln. No. : Not Yet Assigned (CON of 10/172,271)
Conf. No.: : Unknown
Filed: : January 23, 2004
Title: : METHOD AND APPARATUS FOR DETERMINING CARDIAC
OUTPUT
Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 98-39 C2

* * * * *

January 23, 2004

FILING OF FORMAL DRAWINGS

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please accept herewith the 9 sheets of formal drawings on 8½ x 11 size paper of
Figures 1-12 ;

☒ which are in lieu of the informal drawing(s) filed earlier.

Each sheet of drawings includes the identifying indicia suggested in 37 C.F.R. § 1.84 (c) on the
reverse side of the drawing.

Respectfully submitted,

By Michael W. Haas

RESPIRONICS INC
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Murrysville, PA 15668

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the
United States Postal Service on January 23, 2004 with sufficient postage as "Express Mail Post Office to Addressee"
in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.
"Express Mail" mailing number: EL 997388395 US.

Michael W. Haas

Michael W. Haas, Reg. No. 35,174